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09/770,166	01/26/2001	Karl Erich Fankhauser	019157-020	8088
22903	7590	08/30/2006	EXAMINER	
COOLEY GODWARD LLP			KHATRI, ANIL	
ATTN: PATENT GROUP			ART UNIT	PAPER NUMBER
THE BOWEN BUILDING				
875 15TH STREET, N.W. SUITE 800			2191	
WASHINGTON, DC 20005-2221			DATE MAILED: 08/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/770,166	FANKHAUSER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anil Khatri	2191	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 25 May 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-41 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-41 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

Applicant's arguments with respect to claim 1-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because they disclose a claimed invention that is an “abstract idea” as defined in the case *In re Warmerdam*, 33, F.3d 1354, 31 USPQ 2d 1754 (Fed. Cir 1994).

*Analysis:* Claims 15-20 is disclosed by applicant as being a “a computer program product...”. Since the claims are each a series of steps to be performed on computer the process must be analyzed to determine whether they are statutory under 35 U.S.C. 101.

Examiner interprets that the claims 15-20 are non-statutory because they are *program per se* and are no more than manipulation of data structure and manipulation of instructions for creating objects etc. Therefore, claims are just merely an abstract idea for building a database including computer program and no involvement of computer medium so that its functionality cannot be realized for enablement. Thus, claims 15-20 are non-statutory and rejected under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoover et al USPN 5,724,575.

Regarding claims 1 and 27

*Hoover et al teaches,*

- receiving for a particular patients metadata including organization information (column 7, lines 37-45, “distributed relational database system and method for use in the health care... in the system”), patient demographic data (figure 11, column 31, lines 31-35, “to the particular search... such as person”); and information locator data from each of a plurality of disparate organizations the information locator data from each of the plurality of disparate organizations including data that identifies a location of at least one health care record stored at a corresponding one of the plurality of disparate organizations (figure 3, column 16, lines 20-31, “the real transaction involves two subjects a patient and physician...”, column 21, lines 4-5, “communication between disparate, separate...”);

- determining a universal person object corresponding to the demographic data (figure 3 and 8, column 25, lines 45-57, “object index table are provided a person index table... another type of object”);
- updating the universal person object in accordance with the metadata (figures 14-17, “column 34, lines 54-64, “update request message which...on the network”, column 35, lines 40-60); and storing the information locator data so that the information locator data is associated with the universal person object so as to enable virtually centralized access to the health care records stored at the plurality of disparate organizations (figure 5, column 7, lines 8-10, “centralized server based...”, lines 14-16, “interrelated entities or organization...”, columns 20-21, lines 39-67, lines 1-5, respectively”).

Regarding claims 2 and 28

*Hoover et al teaches*

searching the database for an existing universal person object corresponding to the patient demographic data and determining that there is no existing universal person object corresponding to the patient demographic data (figure 11, column 31, lines 31-35, “to the particular search... such as person”); and  
creating the universal person object corresponding to the patient demographic data (column 31, 34-39, follow up with ADD request...”).

Regarding claims 3, 29 and 38

*Hoover et al teaches,*

the step of searching the database and locating the universal person object corresponding to the patient demographic data (figure 11, column 31, lines 31-35, “to the particular search... such as person”)

Regarding claims 4-6, 16, 30-32, 35 and 36

*Hoover et al teaches,*

updating step, forwarding the universal person object to a parent server (figures 14-16, column 34, lines 54-64, “UPDATE request message which is effected...on the network).

Regarding claims 7, 11, 23 and 33

*Hoover et al teaches,*

receiving a query from a provider (column 6, lines 1-4, “in response to query....”)

correlating the query against at least a primary database in at least a primary domain to locate a universal person object corresponding to the person (column 6, lines 14-18, “data is homogenized by mapping predetermined...”, column 18, lines 8-15, “need to coordinate or make consistence...”);

retrieving locator data associated with the universal person object the locator data including data that identifies a remote location among the plurality of disparate organizations of the particular health care information pertaining to the person (column 6, lines 5-8, “in response to retrieval of an object...”);

filtering the locator data according to one or more policies (figure 1, column 26, lines 46-50, “it will of course understood that...”); and

presenting the locator data to the provider so as to enable the provider to generate a virtually centralized view of health care records distributed among the plurality of disparate organization (figure 3, column 16, lines 20-31, “the real transaction involves two subjects a patient and physician...”, column 21, lines 4-5, “communication between disparate, separate...”).

Regarding claims 8, 12, 18 and 34

*Hoover et al teaches,*

determining if a pointer exists in the primary database, the pointer indicating a remote database in a remote domain (column 17, lines 38-44, “contain logical pointers to patient demographic...’); and

if the pointer exists, correlating the query against the remote database in the remote domain (column 24, lines 14-16, “a physical pointer maintained by database....”).

Regarding claims 9, 10, 13, 14, 19 and 20

*Hoover et al teaches,*

presenting correlation results to the provider (column 6, lines 14-18, “data is homogenized by mapping predetermined...”, column 18, lines 8-15, “need to coordinate or make consistence...”); and

receiving constraints and parameters from the provider, the constraints and parameters for directing the retrieving of the locator data (figures 3-5, 12-13, column 31, lines 66-67, “PERSON security parameters, OBJID...”, column 32, lines 18-27, “a corresponding get\_PERSON....”).

Regarding claims 15, 17, 21 and 22

*Hoover et al teaches,*

instructions for creating universal person objects (figure 10, column 29, lines 46, lines used to add an instance of a person assuming the object mode of figure 5..."),

instructions for receiving metadata including organization information, demographic data, and information locator data from each of a plurality of disparate organization the information

locator data from each of the plurality of disparate organizations including data that identifies a location of at least one health care record stored at a corresponding one of the plurality of disparate organizations (figure 26, column 17, lines 38-45, a visits table might contain information (name address...'),

instructions for searching the database for universal person objects (column 30, lines 53-61, "the search message consult appropriate object index...object broker");

instructions for updating a universal person object corresponding to the demographic data in accordance with the metadata (figures 14-16, column 36, lines 26-36, "update operation is performed for an attribute..."); and

instructions for storing the information locator data so that the information locator data is associated with the universal person object corresponding to the demographic data so as to enable virtually centralized access to the health care records stored at the plurality of disparate organization (column 39, lines 8-25, "data stored in customer database in order...type of object").

Regarding claim 24

*Hoover et al teaches,*

a second server connected to the first server, and including a remote correlation system connected to a remote database of universal person objects (figures 1, 2 and 4).

Regarding claims 25 and 26

*Hoover et al teaches,*

a remote data system containing at least a portion of the distributed health care information, the remote data system operable to connect to the provider application, format, and supply one or more of the specific health care records over the network (figures 2, 10-17, column 41, lines 37-49, “filed in customer database will necessarily map to foiled in the remote database...”).

Regarding claim 37

*Hoover et al teaches,*

an information locator service for storing and accessing information locator data the information locator data including data that identifies a remote location pf the records distributed among the disparate organizations (figure 26, column 17, lines 38-45, a visits table might contain information (name address...’),

a database of universal person objects, each universal person object corresponding to a person and associated with information locator data in the information locator service (column 18, lines 11-19, “a particular instance of a patient object...”); and

a correlation system connected to the database for correlating demographic information against the database to locate a particular universal person object (column 6, lines 14-18, “data is

homogenized by mapping predetermined...”, column 18, lines 8-15, “need to coordinate or make consistence...”).

Regarding claims 39 and 40

*Hoover et al teaches,*

a resource access description service for maintaining and applying policy information-to-information locator data (column 42, lines 15-28, “a request record comprises concatenation...”)

Regarding claim 41

*Hoover et al teaches,*

a person class including references to person specific data, the person class further being operable to track historical instances of the person specific data (column 19, lines 59-66, “instance of the subclass PERSON, this indicates...”, column 20, lines 19, 21, “provide may need to rack a number of visits...”);

a person identifier class associated the person class, the person identifier class including references to one or more person identifiers (column 19, lines 66-67, double arrow notion between PERSON and INSURED...’, column 20, lines 1-10, “the presence of... related PERSON objects”); and

a domain identifier class associated with the person class for identifying at least one of the disparate organization from which the one or more person identifies have been received (figure 5, column 20, lines 11-15, “one to many relationship between PERSON object... care suppliers”).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI  
PRIMARY EXAMINER